

Capitol Police have been forced to cancel critical training and health services and have had to hold off on buying new, potentially lifesaving gear, like helmets and body armor and respirators.

Thankfully, the bipartisan agreement between the chair and ranking member of the Appropriations Committee will replenish these critical funds and support the hard-working men and women who keep this building, Senators, staff, media, and Capitol employees safe.

I was pleased to hear the Republican leader support this supplemental appropriations bill this morning, and I look forward to working with our Republican colleagues to swiftly passing this legislation through the Senate.

And I must give accolades to the Rules Committee, led by Senators KLOBUCHAR and BLUNT. Their hearings and focus on this issue—the safety of the Capitol—has helped pave the way for the agreement, and we thank them for their continued diligence.

NOMINATIONS OF GWYNNE A. WILCOX AND DAVID M. PROUTY

Mr. SCHUMER. Mr. President, now, one final matter, by the end of today, the Senate will confirm two nominees on the NLRB, the National Labor Relations Board: Gwynne Wilcox and David Prouty. Both are champions for working Americans.

Ms. Wilcox, who hails from my home State of New York—I am proud to say—has spent her career representing workers and unions seeking to exercise their rights to organize. She is one of the Nation's leading experts on labor law, and if confirmed, she would make history as the first African-American woman to ever serve on the NLRB.

Like Ms. Wilcox, David Prouty has also spent a lifetime defending the rights of organized labor across the country, recently serving as the general counsel of the SEIU, one the Nation's largest unions.

Over the course of American history, the labor movement has been the single most powerful force in lifting Americans out of poverty and into the middle class. It was by coming to this country and joining a union that my grandfather entered the middle class and passed on even more opportunity to his children and then to me and my brother and sister.

So it is no mistake that as labor union participation has declined over the past few decades, wages have stalled as well, and folks are finding it harder and harder to stay in the middle class.

If we are going to strengthen the backbone of the middle class, we need to reinvigorate the labor movement and protect the rights of workers everywhere to organize and bargain collectively for their wages. Appointing these two labor champions to the NLRB is a great way to start.

And, to the American people, the confirmation today of these two NLRB

labor champions is a direct result of having a Democratic majority in the Senate versus having a Republican majority.

Under Leader MCCONNELL and Republicans, the NLRB, which is typically divided between two parties, had only Republican appointees for the first time in its 85-year history. None of them had any experience in labor policy. They are almost atavistically against working people and helped management—the big bosses—to prevent people from organizing and making it harder to stay organized if you were. It was awful, and it is one of the reasons that middle-class incomes have not accelerated in the last 2 decades.

In fact, the Republicans were so intent on not having the NLRB defend the rights of working people that under Leader MCCONNELL a Democratic seat on the NLRB was held vacant for nearly 3 years. If the American people want to know which side each party is on, just look at the NLRB: Democrats appointing pro-labor people who fight for higher salaries, higher pensions, higher health benefits; Republicans making sure the NLRB doesn't function and allowing the big bosses to take a dominant role in negotiations with their workers.

Even during the years when President Trump was in the White House and Republicans had a majority on the NLRB, Leader MCCONNELL blocked Democrats from appointing a minority member to the Board. They didn't want a minority member on the Board even though they would have the majority, the Republicans. It is not a stretch to say if Democrats had not taken the majority in January, these important posts to the NLRB might never have been filled.

So, look, Senate Democrats are working with the Biden Administration to make sure the National Labor Relations Board does what it is intended to do: stand up for working Americans; make sure they have a much better chance of getting better wages, better benefits, better pensions. I look forward to confirming these two outstanding nominees later today.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INFRASTRUCTURE

Ms. MURKOWSKI. Mr. President, I wanted to just literally pop into the discussion here this morning. There is a great deal going on here in the Capitol.

The discussions on the bipartisan infrastructure bill are continuing in a

good, productive way, and we are hopeful we will be able to move to that great deal of work that has gone on by folks on both sides working in extraordinary good faith.

And to be able to proceed on this matter, I think, will be an important policy initiative but also good for our process in this body.

CONGRATULATING LYDIA JACOBY

Ms. MURKOWSKI. Mr. President, I don't come here this morning to speak to that at this moment but to just give a strong Alaska "attagirl" shout-out to Lydia Jacoby.

A few days ago, most people outside of the State of Alaska had probably never heard of Lydia, 17 years old, from Seward, AK. Seward is a pretty small community in the south central part of the State. It is a coastal community. It is a fishing community. It is a hard-working community.

Lydia is a typical high school student at Seward High School, except she is a swimmer, and is she an extraordinary swimmer. To see the news the other night of her gold, of her unexpected and spectacular win, was a moment of pride for all Alaskans, a moment of pride for Americans that just makes your heart swell. So I wanted to come to the floor and share that.

I actually was able to start my morning off early, but in a good way, by being able to call Lydia—she is over in Japan, obviously—and to speak with her directly and offer my congratulations. Mr. President, you can tell when people are grinning ear to ear, even though you are separated by thousands of miles and you are talking over a telephone. This morning, Lydia Jacoby was grinning ear to ear as I was sharing my words of congratulations and she, just her exuberance and delight for being able to represent the United States at these Olympics in this way.

We are extraordinarily proud. Lydia has put Seward and certainly Seward High School on the map. Folks are coming up to me saying: Gosh, I didn't realize you didn't have Olympic-meter swimming pools in most of your communities. Well, that is true. Lydia did some training that I think most would say: It is going to be a long, hard slog to get to any Olympics.

I think the dedication of this young woman has certainly played out. The support that she has received from her parents over the years, the support she has received from her community, is an example of just good, strong Alaska roots: everybody working hard and just doing your best on a daily basis.

Lydia Jacoby has absolutely done her best. She set the gold standard, and we are just extraordinarily proud of this young Alaskan woman.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gwynne A. Wilcox, of New York, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2023.

The ACTING PRESIDENT pro tempore. The Republican whip.

THE ECONOMY

Mr. THUNE. Mr. President, not content with their \$1.9 trillion so-called COVID relief bill—paid for entirely with money borrowed from younger generations of Americans and our children and grandchildren—Democrats are readying another partisan spending spree.

Democrats are preparing to consider a \$3.5 trillion tax-and-spending package, this one at least partially paid for by massive tax hikes—tax hikes on small businesses, tax hikes on large businesses, tax hikes on investment, tax hikes on well-off Americans, and tax hikes on the middle class. That is right, tax hikes on the middle class.

Now, President Biden is fond of repeating that he won't raise taxes on anyone making under \$400,000 a year, but the new death tax he is proposing will definitely hit some middle-class Americans. Let's talk about that new tax.

President Biden and congressional Democrats are proposing to eliminate a part of the Tax Code known as "step-up in basis" or referred to often as "stepped-up basis." Under our current Tax Code, when you inherit something from an estate, whether that is stocks or a house, the value of that item is stepped up from its original value to its current market value when you receive it. This prevents you from having to pay capital gains taxes on the amount that your parents' house increased in value when it was owned by your parents.

Let's say you inherit a house that your parents bought for \$100,000, but it is now worth \$500,000. Under current law, when you inherit that house, you are not liable for taxes on the increase in value from the time your parents bought it. The house is transferred to you at its current market value of \$500,000. So if you sell the house right when you inherit it, you will receive the full value of the house instead of having to pay taxes on the amount that the house increased in value while your parents owned it. If you sell that house 2 years later for \$650,000, you are only required to pay taxes on the \$150,000 in value it gained while it was in your possession.

Under the Democrats' proposal, however, capital gains taxes would automatically be triggered upon death if

the increase in value of an individual's estate has exceeded a certain amount. So, if your parents' house or the family farm or other assets have increased in value more than Democrats deem desirable, you would now owe capital gains taxes on the amount of that increase immediately after your parents' death minus the amount Democrats choose to exempt.

There are plenty of middle-class Americans around this country who would be paying this tax. You wouldn't be protected just because you make under \$400,000 a year.

Now, the President has tried to get around this by arguing that Democrats would be taxing dead individuals, not living ones. So if your parents die and pass on their estate, the argument suggests the tax that you have to send to the Federal Government isn't a tax on you but on your parents. Well, who does he think he is fooling? Who is going to experience the loss of that money—you or your parents? Who is going to be writing the check to the Federal Government? You will.

Let's imagine that a woman's parents die and leave her their estate, and 2 weeks later, a thief comes in and steals part of that inheritance. Who are people going to think was robbed—the daughter or her deceased parents? I think all of us would recognize that it was the daughter who was robbed. The same thing applies to Democrats' proposed new death tax. It is not dead Americans who would be writing checks to the Federal Government. Sure, the tax is owed by the decedent or transferor, but for all practical purposes, the costs would be borne by their descendants.

The truth is, even if we accept the argument that Democrats' new death tax is a tax on deceased Americans and not their descendants, this tax would still hit some middle-class Americans. After all, it is perfectly possible to work hard your whole life and invest wisely and see your estate appreciate in value by more than \$1.25 million—the proposed individual exemption level—over the course of your life without ever exiting the middle class. We are not talking about confining this taxation to individuals with a yearly income of \$1.25 million; we are talking about the increase in value on an estate over a person's lifetime. There is no question that this tax would fall on the estates of some thoroughly middle-class Americans.

The problems with this new death tax aren't limited to the fact that it breaks President Biden's pledge not to raise taxes on individuals making under \$400,000 a year. There are a lot of additional problems, starting with the administration and compliance costs of this tax.

Congress actually passed a similar proposal in the 1970s but repealed it before it went into effect because it was so complicated and unworkable. That is right. Congress repealed the proposal before it was even implemented be-

cause it was clear that collecting this tax was going to be too complicated.

Forty-odd years later, collecting this tax would still be an enormously complicated matter. It would put incredible new recordkeeping requirements on a lot of American families, and it would strain the capabilities of the IRS, although those 87,000 new IRS employees President Biden wants to add to the Agency would certainly increase the available manpower to levy new tax hikes.

Plus, I can only imagine the litigation that would arise over the valuation of assets. What happens if the IRS disagrees with the estimate of the value of your family farm or business? Do you have to take the IRS to court? Will the IRS take you to court?

In addition, there is a very real danger that Americans would be paying taxes on nonexistent gains, in part due to inflation and the natural expansion of the economy. Recent economic reports are raising concerns that, with the administration's robust new entitlement spending, Americans could be shouldering the burdens of significant inflation now and long into the future. But Democrats' new death tax would not account for inflation on an asset, like a family-owned farm or business, which means Americans could be paying a lot of money in taxes on nonexistent gains.

Finally, I want to talk about the threat this tax poses to family farms and businesses.

Now, Democrats claim that they will defer this tax for family farms and businesses as long as a member of the family inherits and then runs the farm or business, but it is completely unclear what this will look like in practice. Will "family members" refer only to sons and daughters? What if a stepson wants to take over the farm, or a niece? Will the inheritors still be subject to the tax then, which could result in their having to sell that farm the niece wants to run? What happens if two or more of the children want to run the farm? There are a lot of unanswered questions.

Of course, it is important to remember that Democrats will only be deferring the tax. So if the time ever comes when the family wants to sell the farm—maybe it is getting hard to run and a neighboring family is willing to buy it—the family would have to pay those taxes that were deferred when their mom or dad died. If that family farm has been handed down through a few generations already, it is completely possible that paying those taxes would consume a big part of that legacy.

There is a reason 13 House Democrats sent a letter to House Democratic leaders expressing their concern about the proposed step-up in basis repeal. It is because this tax would pose a real threat to the continued existence of family farms and businesses. It is the same reason that those in agriculture and small business communities oppose this new death tax.